

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7582 OF 2006

Office Notes, Office Memoranda of :
coram, appearances, Court's Orders: Court's or Judge's orders
or directions and Registrar Orders:

Mr.G.N. Salunkhe for the petitioner.

Mr.S.U. Kamdar, Senior Advocate with
Mr.S.G. Surana for respondents no.5
and 6.

Mr.S.R. Nargolkar, A.G.P. for
respondents no.1, 3 and 4.

Mr.S.P. Shetye for respondent no.9.

CORAM : S.B. MHASE &
D.G. KARNIK, JJ.

DATE : 10TH SEPTEMBER 2007

P.C. :

1. Heard.

2. By this petition, the petitioner challenges the order dated 6th February 2006 passed by the Slum Rehabilitation Authority rejecting the petitioner's claim for entitlement under a SRA Scheme.

3. The petitioner claims that at the relevant time she was living in a hutment in Bhairavnath Zopadpatti at Andheri and her name appears in the voters' list of the year 1985 and therefore she was in possession of the hut. The petitioner claims that she acquired the possession of the hut from Gopalrao Sahebrao Mane, a copy of whose affidavit dated 18th May 1994 is placed on record. Mr.Kamdar for the respondent no.5 placed on record a certified copy of death certificate of Gopalrao Sahebrao Mane which shows that he died at Kolhapur on 11th February 1991. This obviously means that he could not have sworn in the affidavit dated 18th May 1994 and could not have handed over possession of the said hut. Apart from that, in an inquiry conducted by the rationing department, the ration card of the petitioner at Andheri address was cancelled on the ground that the petitioner was not living there.

4. In the circumstances, the finding

recorded by the Competent Authority that the petitioner was not residing at Andheri is a possible finding of fact which calls for no interference in exercise of writ jurisdiction. Writ petition is accordingly rejected summarily.

(D.G. KARNIK, J.)

(S.B. MHASE, J.)